

Appl. No. 10/647,165  
Amendment dated February 25, 2005  
Reply to Non-Final Office Action of August 25, 2004

REMARKS

Claim Rejections - 35 U.S.C. § 112

Claims 11-24 were rejected as indefinite in that claim 11 appeared to be missing a limitation. Claim 11 now recites not more than 80% by weight of water, as described at page 6, lines 3-4 of the application as filed. In addition, the omitted period in claim 14 was added. No new matter has been added.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4, 6-24, and 26 were rejected as obvious over Millhoff et al., U.S. 6,340,662 (Millhoff). Also, claims 5 and 25 were rejected over Millhoff in view of Hall et al., U.S. 6,093,218. Applicants respectfully traverse.

All of applicants' claims require a carrier comprising an alkali metal carbonate and a Brønsted acid. Brønsted defined acids as proton (i.e., hydrogen) donors, and bases as proton acceptors. An alkali metal citrate cannot donate a proton, therefore it cannot be a Brønsted acid. In fact, alkali metal citrates, accepting a proton in place of the metal, are Brønsted bases, not acids. Millhoff's disclosure of carrier materials includes no Brønsted acids, nor can one find a suggestion to use a Brønsted acid alone or combined with an alkali metal carbonate as a carrier for a foam regulator system. The reference fails to teach or suggest essential elements of the claims. Therefore claims 1-4, 6-24, and 26 cannot be obvious over Millhoff alone.

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Neither would one of skill have considered Millhoff's alkali metal citrates and Hall's acids equivalents. Indeed under Brønsted's definitions they are opposites. Thus the alkali metal citrate cannot suggest the use of the Brønsted acids of Hall. Millhoff provides no motivation to put a Brønsted acid in a foam regulator carrier material.

Nor does Hall disclose its acid sources as carriers for antifoam systems. Rather, the acids of Hall are separate dry additives to the composition (see col. 2, ll. 33-48; col. 8, l. 65 to col. 9, l. 8; Examples). Therefore Hall cannot suggest its combination with Millhoff either, and claims 5 and 25 should be allowed over them.

CONCLUSION

In view of the amendments and remarks above, Applicants ask for reconsideration and allowance of all pending claims. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully submitted,



Glenn E. J. Murphy  
(Reg. No. 33,539)  
Attorney for Applicants  
610-278-4926

GEM/img

Henkel Corporation  
Patent Law Department  
2200 Renaissance Blvd., Suite 200  
Gulph Mills, PA 19406